

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Deion L. Sweeting,

Plaintiff,

v.

Case NO. 2:13-cv-941

Noble Correctional
Institution, et al.,

Defendants.

ORDER

This matter is before the court for consideration of the report and recommendation of the magistrate judge filed on October 29, 2013. The magistrate judge performed the initial screen of the complaint required under 28 U.S.C. §§1915(e) and 1915A. The magistrate judge recommended that plaintiff's claims against the Noble Correctional Institution, a state agency, be dismissed, as the Institution is immune from suit under the Eleventh Amendment and is not a "person" subject to suit under 42 U.S.C. §1983. The magistrate judge further recommended that plaintiff's claims against the individual defendants be allowed to proceed.

The report and recommendation specifically advised the parties that the failure to object to the report and recommendation within fourteen days "will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation.*" Doc. 8, p. 2. The time period for filing objections to the report and recommendation has expired, and no objections have been filed.

The court agrees with the report and recommendation (Doc. 8)

and it is hereby adopted. Plaintiff's claims against the Noble Correctional Institution are dismissed, and the Noble Correctional Institution is dismissed as a party in this case. This case will proceed as to the remaining individual defendants.

Date: November 21, 2013

s/James L. Graham
James L. Graham
United States District Judge